

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Timothy O’Laughlin,

Case No. 23-cv-2503 (ECT/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Dr. Diane Hart,

Defendant.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court, pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636.

On September 11, 2023, this Court entered an Order denying Plaintiff Timothy O’Laughlin’s application for in forma pauperis status. (See Order [Docket No. 6] at 2). The Court thus gave Plaintiff thirty days—that is, until October 11, 2023—to pay this action’s filing fee. (Id.). The Court forewarned Plaintiff that if he failed to pay this action’s filing fee in the time permitted, the Court would recommend dismissing this matter without prejudice for failure to prosecute. (Id.).

That deadline has now passed, and Plaintiff has not paid this action’s filing fee. In fact, Plaintiff has not taken any action in the present case since initiating this case.

Accordingly, this Court now recommends dismissing this action without prejudice, under Federal Rule of Civil Procedure 41(b), for failure to prosecute. See, e.g., Henderson v. Renaissance Grand Hotel, 267 F. App’x 496, 497 (8th Cir. 2008) (per curiam) (“A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.”).

Therefore, based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED without prejudice** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

Dated: October 26, 2023

s/Leo I. Brisbois
Hon. Leo I. Brisbois
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).